

1/30/2019 9:41 AM
19CV04759

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5 Brent Gordon, OSB No. 170482
6 PARKE GORDON LLC
7 1150 W. State St. STE 300
8 P: 208-322-7274
9 F: 866-472-0506
10 E: brent@parkegordon.com

11
12
13 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR UMATILLA COUNTY

14 MARTIN MERAZ,

15 Plaintiff,

16 v.

17 MMT TRANSPORT, INC., a foreign
18 corporation, and PETKO PETROV, an
19 individual,

20 Defendants.

Case No.: 19CV04759

COMPLAINT

(Negligence; Personal Injury; Respondeat Superior)

Jury trial demanded; not subject to mandatory arbitration.

Prayer: In an amount to be determined by the jury at trial, not to exceed \$2,500,000.00

21 Plaintiff, by and through his undersigned counsel of record, hereby alleges and complains
22 as follows:

23 1.

24 At all material times, Martin Meraz ("Plaintiff") was a resident of Oregon.

25 2.

26 At all material times, Defendant Austin Petrov ("Defendant Petrov") was operating his
27 semi-truck within the state of Oregon.

28 COMPLAINT - 1

1 3.

2 At all times material, Defendant Petrov was an employee and/or agent of Defendant
3 MMT Transport Inc. ("Defendant MMT Transport").
4

5 4.

6 Defendant MMT Transport, at all times material, was a foreign business corporation,
7 incorporated in the state of Illinois, engaged in the business of providing transport services
8 throughout the United States, including in Oregon and Washington. The conduct described
9 below was done through Defendant MMT Transport's agent and/or employee, Defendant Petrov,
10 acting within the course and scope of his agency and/or employment. At all material times,
11 Defendant MMT Transport retained the right to control the conduct of its agent and did in fact
12 control that conduct.
13

14 5.

15 Interstate 84 is a paved public highway running generally east and west in parts of
16 Umatilla County, Oregon.
17

18 6.

19 On or about February 8, 2017, Plaintiff was traveling westbound on Interstate 84 in
20 Umatilla County, Oregon, near milepost 179. Plaintiff stopped his vehicle on the shoulder of a
21 westbound onramp to let other vehicles pass due to extremely icy conditions. A semi-truck and
22 trailer driven by Defendant Petrov lost control on the onramp and side-swiped Plaintiff's stopped
23 vehicle, causing significant damage to Plaintiff's vehicle and injuries to his person.
24

25 ///

26 ///

27 ///

28 COMPLAINT - 2

FIRST CLAIM FOR RELIEF**(Negligence)**

7.

Defendant Petrov owed a duty of care to Plaintiff to operate his vehicle in a reasonable and safe manner, to maintain a proper lookout, control the vehicle, drive at a safe speed, and follow the rules of the road and traffic laws.

8.

Defendant Petrov breached his duty of care to Plaintiff by:

- (a) Operating the vehicle that struck Plaintiff without maintaining a proper lookout;
- (b) Failing to adequately control the vehicle;
- (c) Failing to stop or slow down in obedience to the existing traffic conditions;
- (d) Failing to follow the rules of the road and controlling traffic laws in this instance; and
- (e) Failing to act with reasonable care as required under the circumstances.

9.

As a commercial truck driver, Defendant Petrov knew, or in the exercise of reasonable care should have known, that each of the foregoing acts or omissions would foreseeably create an unreasonable risk of harm to others using the public highways, including persons such as Plaintiff.

///

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COMPLAINT - 3

1 10.

2 Defendant Petrov's negligence caused Plaintiff to sustain personal injuries including, but
3 not limited to, a head injury and knee contusion.
4

5 11.

6 Defendant's negligence directly and proximately caused Plaintiff to suffer economic and
7 noneconomic damages, which include, but are not limited to, out-of-pocket expenses, loss of
8 earnings, medical expenses, loss of employment, loss of business or employment opportunities,
9 cost of obtaining substitute domestic services, pain, suffering, inconvenience, mental anguish,
10 disability or disfigurement, emotional distress, and loss of enjoyment of life.
11

12 12.

13 Plaintiff's injuries have caused him, and some will permanently continue to cause him to
14 suffer pain disability, discomfort, suffering, loss of enjoyment of life, and inconvenience and
15 interference with his normal and usual activities, all to his noneconomic damages in an amount
16 to be determined by the jury in accordance with the law not exceeding \$500,000.00. Plaintiff will
17 amend his Complaint shortly before trial to update the amount of his noneconomic damages.
18

19 13.

20 As a result of Plaintiff's injuries, Plaintiff has required and will continue to require the
21 services of surgeons, physicians, medical technicians, hospitals, nurses, physical and other
22 medical therapists, medications. Plaintiff has also suffered past and future loss of income and loss
23 of income earning capacity, all to his economic damages in amount to be determined by the jury
24 in accordance with the law, not exceeding \$2,000,00000. Plaintiff will amend his Complaint
25 shortly before trial to update the amount of his noneconomic damages.
26
27
28

COMPLAINT - 4

1 **SECOND CLAIM FOR RELIEF**

2 **(Respondeat Superior)**

3 14.

4 Plaintiff alleges and incorporates the above paragraphs 1-13 as fully set forth herein.

5 15.

6 The above described acts of Defendant Petrov were committed within the scope of
7 employment and/or agency with Defendant MMT Transport, in that they were committed while
8 on duty and in furtherance of Defendant MMT Transport.
9

10 16.

11 As Defendant Petrov's employer and/or principal, Defendant MMT Transport is
12 responsible for all of the negligent acts committed by Defendant Petrov within the scope of his
13 employment and/or agency.
14

15 **WHEREFORE**, Plaintiff Martin Meraz requests judgment against Defendants MMT
16 Transport Inc. and Petko Petrov as follows:
17

- 18 1. Noneconomic damages in amount not exceeding \$500,000.
19 2. Economic Damages in an amount not exceeding \$2,000,000.
20 3. Costs and disbursements incurred herein.

21 DATED January 22, 2019.
22

23 PARKE GORDON, LLC

24
25 s/ Brent Gordon
26 Brent Gordon, OSB No. 170482
27 1150 W. State St. STE 300
28 P: 208-322-7274
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E: brent@parkegordon.com

COMPLAINT - 5

4/1/2019 4:01 PM
19CV04759

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR UMATILLA
COUNTY

Martin Meraz,

Plaintiff(s),

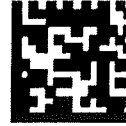
vs.

MMT Transport, Inc et al,

Defendant(s).

Case No.: 19cv04759

AFFIDAVIT OF SERVICE



I, Jason Laning, being first duly sworn on oath, depose and say the following:

I certify that I am eighteen years of age or older and have no interest in the above legal matter, I am legally authorized to serve court documents within the above named county. Under penalties as provided by law pursuant to Pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the above statements set forth in this affidavit are true and correct.

On March 28, 2019 at 12:23 PM, I served the within Summons; Complaint and Letter on MMT Transport in the following manner:

Corporate Service: By leaving a copy of the Summons; Complaint and Letter with Emma Kyuchukova, Manager, an officer or agent of MMT Transport.

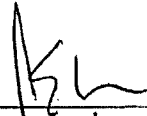
Service was effected at 2250 Landmeier Road , Elk Grove Village, IL60007.

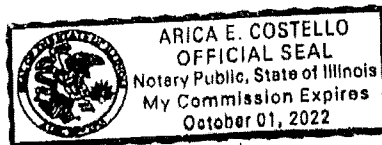
Emma Kyuchukova is described as follows:

Sex: Female - Race: Caucasian - Approximate Age: 35

Signed and sworn to before me on
this 29th day of March, 2019.

NotaryPublic

X 
Jason Laning
License(s): 129-184601



312-588-9117



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4/1/2019 3:59 PM

19CV04759

AFFIDAVIT OF SERVICE

State of Oregon

County of Umatilla

Circuit Court

Case Number: 19-CV-04759

Plaintiff:

MARTIN MERAZ,

vs.

Defendant:

**MMT TRANSPORT, INC., a foreign corporation, and PETKO PETROV,
an individual,**

Received these papers on the 27th day of March, 2019 at 4:55 pm to be served on **Petko Petrov, 8970 Hillsboro Creek Court, Las Vegas, NV 89129.**

I, Kristopher Nicholson, being duly sworn, depose and say that on the **28th day of March, 2019 at 2:00 pm, I:**

SERVED by personally delivering a true copy of the **Summons, Complaint, Letter Dated March 26, 2019 to Petko Petrov.**

Said service was made at the address of: **8970 Hillsboro Creek Court, Las Vegas, NV 89129.**

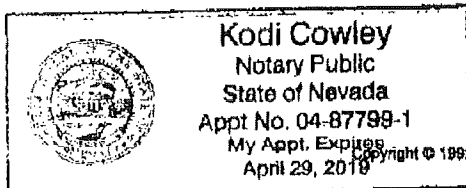
Affiant is, and was, a citizen of the United States, over 18 years of age, and not a party to, nor interested in, the proceeding in which this affidavit is made.

SIGNED and SWORN TO before me on the 29
day of March 2019 by the affiant who
is personally known to me.

Kodi Cowley
NOTARY PUBLIC

Kristopher Nicholson
Kristopher Nicholson
Process Server

Our Job Serial Number: 2019000311
Ref: 386



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11 Attorney for Plaintiff

12 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR UMATILLA COUNTY

13 MARTIN MERAZ,

Case No.: 19CV04759

14 Plaintiff,

SUMMONS

15 v.

16 MMT TRANSPORT, INC., a foreign
17 corporation, and PETKO PETROV, an
individual,

18 Defendants.

19
20 NOTICE TO DEFENDANT:

21 READ THESE PAPERS CAREFULLY!

22 You must “appear” in this case or the other side will win automatically. To “appear” you
23 must file with the court a legal document called a “motion” or “answer.” The “motion” or
24 “answer” must be given to the court clerk or administrator within 30 days along with the required
25 filing fee. It must be in proper form and have proof of service on the plaintiff’s attorney or, if the
26 plaintiff does not have an attorney, proof of service on the plaintiff.
27
28

SUMMONS

1 If you have questions, you should see an attorney immediately. If you need help in finding
2 an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online
3 at **<http://www.oregonstatebar.org>** or by calling (503) 684-3763 (in the Portland metropolitan
4 area) or toll-free elsewhere in Oregon at (800) 452-7636.
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SUMMONS

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR UMATILLA COUNTY

MARTIN MERAZ,

Plaintiff,

v.

MMT TRANSPORT, INC., a foreign
corporation, and PETKO PETROV, an
individual,

Defendants.

Case No: 19CV04759

NOTICE OF REPRESENTATION

NOTICE OF REPRESENTATION

I, Joel T. Janke, attorney with Parke Gordon LLC, file this Notice to inform the Defendant and the court that I am taking over primary representation of Martin Meraz, Plaintiff, from Brent Gordon, also of Parke Gordon LLC. Contact information for all future correspondence and service is as follows:

Name: Joel Janke
Law Firm: Parke Gordon LLC
Bar Number: 143471
Address: 1150 W. State St. STE 300
Boise, ID 83702
Telephone: 541-600-4814
Facsimile: 866-472-0506
Email: joel@parkegordon.com

PARKE GORDON, LLC

s/ Joel T. Janke
Joel T. Janke, OSB No. 143471
Trial Attorney for Plaintiff
P: 541-485-4878
F: 866-472-0506
E: joel@ParkeGordon.com

1 – NOTICE OF SUBSTITUTION OF COUNSEL

PARKE GORDON LLC
228 E. 11TH AVE.
EUGENE, OR 97401
P: (541) 485-4878
F: (866) 472-0506

CERTIFICATE OF SERVICE

I certify that I served a copy of the NOTICE OF REPRESENTATION on Heather Beasley, attorney for Defendants, via email and first class mail to on April 19, 2019, sent to

Heather Beasley
200 SW Market St., Suite 1800
Portland, OR 97201

hbeasley@davisrothwell.com

Dated: April 19, 2019

PARKE GORDON, LLC

s/ Joel T. Janke

Joel T. Janke, OSB No. 143471
Trial Attorney for Plaintiff

2 – NOTICE OF SUBSTITUTION OF COUNSEL

PARKE GORDON LLC
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EUGENE, OR 97401
P: (541) 485-4878
F: (866) 472-0506